

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	CHAPTER 11
	:	
Facilities Management Services of Pennsylvania, Inc.,	:	Case No. 24-13194 (AMC)
	:	
Debtor	:	
	:	

**VERIFIED STATEMENT OF SMITH KANE HOLMAN, LLC
TO BE EMPLOYED AS COUNSEL BY DEBTOR**

David B. Smith, on behalf of Smith Kane Holman, LLC, as the proposed counsel for Facilities Management Services of Pennsylvania, Inc. (“Debtor”), pursuant to Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1 respectfully represents:

1. The above-captioned Debtor filed a voluntary petition pursuant to chapter 11 of the United States Bankruptcy Code on September 10, 2024 (the “Petition Date”).
2. The Debtor wishes to employ Smith Kane Holman, LLC (“SKH”) as counsel in connection with its case.
3. On March 12, 2024, the Debtor engaged SKH to provide debt counseling services, which debt counseling services continued through September 9, 2024 when the Debtor decided to file the within chapter 11 bankruptcy case.
4. During this “debt counseling” phase, the Debtor paid SKH the aggregate amount of \$8,983.50 for fees and costs incurred by SKH in connection with its representation.
5. On September 10, 2024, SKH transitioned its debt counseling engagement to a chapter 11 bankruptcy engagement, and on that same date received a \$10,000 retainer from Bonnie Linn, who is the wife of one of the Debtor’s principal, Daniel Linn. Ms. Linn is neither a creditor nor a party in interest in the within bankruptcy case.

6. The foregoing retainer was applied first towards the debt counseling balance owed of \$3,118.50.

7. Then, as of the filing the Debtor's bankruptcy case, SKH generated an invoice for the sum of \$5,525.50, consisting of fees in the amount of \$3,787.50 and costs in the amount of \$1,738.00 consisting of the filing fee for this case, thereby leaving a post-petition balance of \$1,356.00, which will be held in SKH's IOLTA account as a retainer payable under and subject to approval by the Bankruptcy Court after the filing of a fee application.

8. As required pursuant to Local Bankruptcy Rule 2014-1, SKH makes disclosures on the attached Exhibit A with respect to payments received by SKH within the 90-day period preceding the Petition Date. As set forth in the attached disclosures, SKH received the aggregate sum of \$7,177.50 for pre-petition debt counseling services prior to its receipt of the \$10,000.00 retainer on September 10, 2024. The foregoing payments in the aggregate are less than the \$7,575.00 threshold for a preference payment pursuant to 11 U.S.C. § 547(c)(9). Accordingly, SKH submits that there is no prepetition event or circumstance that would disqualify it from being employed by the Debtor as its counsel.

9. SKH believes it has no connection with the Debtor, the Debtor's creditors, or any other party in interest (or their respective attorneys and accountants, the United States Trustee or any person employed in the Office of the United States Trustee) that would disqualify it from representing the Debtor in this case.

10. SKH is not a creditor of the Debtor.

11. SKH has represented bankrupt debtors and is able to perform services required by the Debtor relating to its chapter 11 bankruptcy case.

I, David B. Smith, managing member of Smith Kane Holman, LLC, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

SMITH KANE HOLMAN, LLC

Date: September 10, 2024

By: /s/ David B. Smith
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